Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Claims 1-3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Foley (US 5,958,692) in view of Canguilhem (US 3,628,904). Claim 1 has been amended so as to include the limitation of claim 2 and claim 2 has been cancelled without prejudice or disclaimer to the subject matter contained therein. The rejection is respectfully traversed and submitted to be inapplicable for the following reasons.

Claim 1 is patentable over the combination of Foley and Canguilhem, since claim 1 recites a personnel valuation program for permitting a personal computer to function, in part, as: a means for setting weight data of valuators for weighting valuation data in dependence on posts of the valuators in a valuator group indicating an ability to do appropriate valuation. The combination of Foley and Canguilhem fails to disclose or suggest the means for setting weight data of valuators as recited in claim 1.

Foley discloses a method for analyzing attributes of a physical process. The method analyzes data sets to identify sources of variations (i.e., errors) in a response variable associated with the data. In an example of the method, four machines M1-M4 are used to produce two products P1 and P2. Defect data is derived as a ratio of a number of defective products to a number of products produced for each of the machines for each of the products. The method is applied to this data set to identify possible sources of variations in the response variable (i.e., fraction of defective products). The method first organizes the data into populations, the populations being determined by either a single attribute (M1, M2, M3, M4, P1 and P2) or zero or more attributes (e.g., zero attributes equals a universe population or the entire data set). The universe population U is the whole data set and is divided into a number of subpopulations. Then, the method searches for sources of variation by defining a test population as being the universe population. Next, each subpopulation of the universe population is evaluated to determine which of the subpopulations has the most significant variation and whether to choose the subpopulation as a "significant" population. The significance of a population's variation is determined by comparing it with its complement. The

complement of a subpopulation with respect to a parent population is all the data which remains in the parent population when the subpopulation is removed.

The comparison of a population to its complement is performed by calculating its Z-Component. The Z-Component is a known statistical approximation for the comparison of probabilities of two binomial distributions and is measured in units of standard deviations. Therefore, the Z-Component of each of the subpopulations is calculated. The method then compares the subpopulation with the highest Z-Component of to a threshold value to determine if it is a significant population. The threshold value is selected by considering an acceptable level of risk that an identified population may not have an intrinsically higher fraction defective, and therefore, is not a true source of variance. If the Z-Component of the subpopulation having the highest Z-Component does not reach the threshold value, the method is complete as there are no significant sources of variation for the test population, which is the universe population (i.e., the complete data set). However, if the Z-Component of the subpopulation having the highest Z-Component exceeds the threshold value, the highest subpopulation is deemed to be a significant population and becomes the new test population. The method then continues for the subpopulations of the new test population by performing the same calculations described above with respect to the original test population. Once the method discovers a source of variance in the data set, the data is revised to eliminate the source. The revised data set can then be evaluated to determine if other sources of variance exist. (See column 3, line 27 – column 7, line 68 and Figures 1 and 2).

Based on the above discussion and as admitted in the Office Action, it is apparent that Foley fails to disclose or suggest the means for setting weight data of valuators as recited in claim 1. Therefore, it is necessary for Canguilhem to disclose or suggest this feature in order for the combination of Foley and Canguilhem to render claim 1 obvious as indicated in the Office Action.

Canguilhem discloses a system capable of performing quantitative measurements to multidimensional subjective concepts. As an example detailed in the "General Remarks" section of Canguilhem, a managing director of a company assesses, in value terms, the "importance" of a group of five factories A, B, C, D, and E. The concept of importance is based on two factors: (1) turnover; and (2) number of employees, with the

turnover being of higher importance. Therefore, the managing director assigns the turnover a higher level of importance (1.3) than the number of employees. The system then uses the actual number of employees and turnover of the five factories in light of the weights assigned these two factors by the managing director to determine the "importance" of the factories. (See column 4, line 41 – column 5, line 41).

In another example detailed in the "Example Statement of the First Principle of Dimensional Analysis" section of Canguilhem, the system is used to measure the "prosperity" and "importance" of firms from different sectors by valuating the firms based on five running factors and four importance factors, respectively. These five running factors and four importance factors are weighted depending on the sector of the firm. The weighting is carried out by the user of the system. (See column 11, line 37 – column 12, line 36 and Figures 3-5).

Based on the above discussion, it is apparent that in Canguilhem when a group is valuated in terms of, for example, "prosperity" or "importance", a user of the system for performing this valuation must appropriately weight the various factors used in making the valuation. However, it is clear from Canguilhem that the user who himself performs the weighting of the factors is not factored into the valuation. In other words, Canguilhem does not take into consideration the ability of the user to properly determine the appropriate weights of the differing factors. On the other hand, claim 1 recites the means for setting weight data of valuators for weighting valuation data in dependence on posts of the valuators in a valuator group indicating an ability to do appropriate valuation. Therefore, it is apparent that Canguilhem fails to disclose or suggest this feature. Since Canguilhem fails to address the deficiencies of Foley, it is apparent that the combination of Foley and Canguilhem fails to render claim 1 obvious. Because of the above mentioned distinctions, it is believed clear that claims 1 and 3 are allowable over the combination of Foley and Canguilhem. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 3. Therefore, it is submitted that claims 1 and 3 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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